

Office of Water News Clips – February 5, 2014

Hundreds of scientists sign letter urging EPA to act against Pebble [Anchorage Daily News ::]

Outlet: Bloomberg Businessweek - Online

A group of 360 scientists, researchers and university professors signed a letter hand-delivered Tuesday that urges the Environmental Protection Agency to protect Bristol Bay from the proposed Pebble mine.

The letter was given to Dennis McLerran, the Seattle-based administrator of EPA's region 10, before his morning talk at an environmental conference in Anchorage.

The scientists' names fill more than 12 pages, starting with Peter Abrams, a University of Toronto professor emeritus in ecology and evolutionary biology, and ending with Roman Zurek, an associate professor at the Institute of Nature Conservation at the Polish Academy of Science. In between are scientists from all over the country and world, including Alaska.

The group praised the EPA for its study, released last month, that concluded a big mine posed serious risks to Bristol Bay's massive sockeye salmon runs -- the biggest in the world. Pebble Ltd. Partnership proposes developing a copper and gold mine at the headwaters of two Bristol Bay salmon-producing rivers. A coalition of tribes and Alaska Native groups had petitioned the EPA to veto the mine through the Clean Water Act even before developers seek major permits. Instead the agency undertook the watershed study.

"The preponderance of evidence presented in the Watershed Assessment indicates that large-scale hard rock mining in the Bristol Bay watershed threatens a world-class fishery and uniquely rich ecosystem, and we urge the Administration to act quickly to protect the area," the scientists said in their letter.

"Therefore, we urge EPA to use its authority under the Clean Water Act to take the necessary steps to protect Bristol Bay."

A few of the 360 who signed on have worked for groups opposing Pebble or belong to advocacy organizations, including Trout Unlimited and the Alaska Conservation Foundation.

McLerran told the crowd at the Alaska Forum on the Environment, being held this week at the Dena'ina Civic and Convention Center, that he would make a decision soon.

Pebble's backers have criticized the EPA report as premature and not based on modern mining practices. McLerran said it came from Northern Dynasty Minerals own detailed report to the Securities and Exchange Commission in February 2011 as well as other information from the mining industry. State officials last year complained to the EPA that the Northern Dynasty report was a document for investors, not an environmental plan.

"The assessment does incorporate state-of-the-art mining practices and mitigation," McLerran said at the environmental forum.

As McLerran spoke from the podium, at the back of the conference room Gary Cline of Dillingham and

Sam Snyder of the Alaska Conservation Foundation held up a banner that said "Thank You Administrator McLerran. The science is clear. Protect Bristol Bay." Snyder is among those who signed the letter.

McLerran said the assessment is an "extensive scientific report, really the best one I think we've ever done."

But it is not an attempt at regulation and does not make any policy recommendations, he noted.

"We wanted to get the science done, we wanted to have the science piece before we contemplated what's next," McLerran said.

The EPA report doesn't block Pebble from applying for permits today, he said.

"The assessment will however serve as a basis for EPA's response to the May 2010 request from the Bristol Bay region tribes that we use our Clean Water Act authority," McLerran said. "We will have a very direct response soon."

After his talk, he said the letter from so many scientists and researchers "does add credibility to the science."

He said he could not specify a time frame for EPA's decision.

"We're giving it a hard look. We're making sure that everybody at the decision-making level has a chance to read the assessment and look at the options."

COAL ASH: N.C. spill sparks call for expanded oversight

Outlet: Greenwire

Duke Energy Corp. blamed a broken stormwater pipe for the spilling of between 50,000 and 82,000 tons of coal ash Sunday from a large impoundment at the retired Dan River Steam Station near the North Carolina-Virginia line.

The ash that spilled into the Dan River near Eden, N.C., could fill 20 to 32 Olympic-size swimming pools, Duke said in a statement.

As of this morning, workers had managed to reduce the flow but hadn't stopped it, the utility said.

"The company is also estimating between 24 [million] to 27 million gallons of basin water has reached the river," Duke said. "The release is visible several miles downstream, and crews continue to track and monitor it."

Duke said levels at the 27-acre ash pond have been lower since the coal plant was retired in 2012. New ash is no longer being dumped there.

Duke said the dam keeping the coal ash from the Dan River was not affected. However, the company

said workers were stabilizing a berm farther away from the river that suffered some erosion.

The North Carolina Department of Environment and Natural Resources said it was investigating the spill and whether it will have any long-term effects. U.S. EPA also has staff on-site.

DENR Secretary John Skvarla, who planned to travel to the site today, said in a statement, "Our chief concerns are that we do everything we can to assist in controlling this spill and assessing its damage."

"While it is early in the investigation and state officials do not yet know of any possible impacts to water quality, staff members have been notifying downstream communities with drinking water intakes," DENR said.

Duke said municipal water supplies were unaffected. The company said it had "dispatched a water quality monitoring team" to gather information on the river's health. It also alerted emergency responders as a precaution.

The spill comes at a delicate time for Duke, which has been fighting lawsuits from state regulators and environmental groups that want the utility to do more to prevent pollution from coal ash dumps.

"Unfortunately, today's spill of Duke's coal ash into the Dan River is the latest alarm bell that Duke Energy needs to change its primitive way of storing coal ash in unlined pits next to our rivers and lakes," said Frank Holleman, an attorney for the Southern Environmental Law Center, which has been helping lead the lawsuits.

Duke said in its release: "The company already has been conducting studies for the most appropriate way to close the ash basins at Dan River and other retired plant sites. Duke Energy is committed to closing ash basins in a way that protects groundwater long-term and is prudent for customers and neighbors."

A 2008 dam failure in Tennessee sent more than 1 billion gallons of slurry from a coal ash dump into surrounding land and waterways. That incident pressured EPA into developing new standards for disposal, including proposals to phase out unlined wet ash ponds.

EPA has said it will release a final agency action on its coal ash rulemaking by the end of the year. Utilities are lobbying for the ability to keep wet ash impoundments open as long as they're safe.

Another coal-ash related accident happened in 2011. Material spilled into Lake Michigan when a bluff holding back coal ash collapsed at a Wisconsin power plant. The Wisconsin Department of Natural Resources said at the time that it expected no lasting damage.

Other environmental groups, citing a chemical spill last month that left 300,000 West Virginians without safe tap water for several days, want Duke and state regulators to be more forthcoming with information about the North Carolina incident. They're calling it a "disaster" and say the river was seen "running black."

"The Dan River spill happened on Sunday, and Duke Energy still has not reported the results of any

water quality tests. This is unacceptable," Donna Lisenby, coal campaign coordinator for the Waterkeeper Alliance, said yesterday. "Downstream communities need to know what pollutants Duke dumped into the Dan River."

BRISTOL BAY: Pebble announces executive shakeup

Outlet: Greenwire

Pebble LP, the company looking to build a large copper and gold mine in southwestern Alaska, announced an executive shakeup this morning, designed to take the project into the permitting process.

John Shively, CEO since 2008, will become chairman of the board of directors for the Pebble project. The company said the move places Shively in a more strategic role for advancing the project.

"Our goal in the year ahead is to focus on advancing the project and to initiate permitting," Shively said in a statement. "This is another step along that road and I remain committed to this important project for Alaska's future."

Tom Collier, a Washington, D.C.-based regulatory attorney at the firm Steptoe & Johnson LLP, will take over as the project's CEO. Collier has worked for four decades at the firm.

Collier has experience in a variety of permitting and natural resources issues, including the Trans-Alaska Pipeline System. He is also an expert on Army Corps of Engineers Clean Water Act Section 404 permits.

Last month, U.S. EPA released its watershed assessment of the potential impacts of large-scale mining in the Bristol Bay, Alaska, region. The agency may use the report, which said a large mine would harm fish habitats, to shape its view of Army Corps permits.

"I am confident that Pebble can succeed in getting its permit, notwithstanding the challenges along the way and I am committed to making that permit a reality," Collier said in a statement.

Last year, Anglo American PLC said it was pulling out of the Pebble partnership, leaving Northern Dynasty Minerals Ltd. as the top corporate entity behind the project. Rio Tinto PLC, which has a stake in the project, is also considering a pull out.

"With Tom as CEO, we have a U.S. federal and regulatory permitting specialist and a business leader with a positive track record for achieving development permits for large, complex and controversial projects," said Northern Dynasty CEO Ron Thiessen. "And in John we have one of Alaska's most respected and experienced business leaders, whose track record for working with government and Alaska Native communities is unparalleled."

Kan. AG joins appeal of EPA regulation ruling

Outlet: Seattle Post-Intelligencer

Kansas Attorney General Derek Schmidt has joined other states in appealing the U.S. Environmental Protection Agency's proposed regulation of nutrients in runoff from farms and lawns.

Schmidt says he filed a brief Monday in a federal appeals court in Philadelphia in a lawsuit by the American Farm Bureau over the EPA's regulation of nutrient runoff in the Chesapeake River basin.

Schmidt says Kansas and other states are weighing in on the case before the EPA makes similar regulations on nutrient runoff in the Mississippi River basin, which includes Kansas.

The attorneys general contend the regulation represents EPA micromanagement of how states meet federal water quality standards. Schmidt and others maintain that states have the authority to control runoff and impose any restrictions on industry.

EPA, CDC sending new team to Charleston

Outlet: Charleston Gazette - Online, The

The Obama administration is sending a multi-agency team to West Virginia this week, as public concerns mount about the state's handling of last month's chemical spill that contaminated drinking water supplies serving 300,000 residents.

Officials from the U.S. Environmental Protection Agency and the Centers for Disease Control will be in Charleston on Wednesday at the request of Gov. Earl Ray Tomblin.

The governor asked for additional federal assistance as residents express continued concerns about the safety of their water and about the lack of clear information from state public health officials.

"CDC has a long pattern of going where we're invited to help on health issues," said CDC spokeswoman Barbara Reynolds. "We've been invited, and we're going."

EPA officials did not immediately comment on the trip.

Both CDC and EPA have had staffers in West Virginia for various periods of time since the Jan. 9 spill.

EPA officials have been involved most directly in activities at the site of the Freedom Industries spill, while CDC officials who visited West Virginia were helping with a follow-up study of the more than 500 residents who sought medical treatment. CDC officials also devised the controversial 1-part-per-million "screening level" the state has used in telling residents that their drinking water is now safe.

Both federal agencies have at times dodged questions from the media, and neither has appeared publicly to answer questions about the spill, its aftermath, or the potential health effects.